

# Exhibit 1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

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BMG RIGHTS MANAGEMENT (US) LLC, :  
et al., :  
Plaintiffs, :  
vs. : Case No. 1:14-cv-1611  
: :  
: :  
COX ENTERPRISES, INC., et al., :  
Defendants. :  
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MOTIONS HEARING

December 1, 2015

Before: Liam O'Grady, USDC Judge

1 as proof of infringement. It's notice of our belief that you  
2 are infringing. Okay.

3 So the notices are going to come in as they are. We  
4 don't need to reflect on that.

5 I precluded Dr. Lehr from testifying about anything  
6 but the profits. He did reference the survey and the number of  
7 infringing customers that Cox had from Nowlis' survey. And I  
8 said he couldn't talk about the economics. And what I meant by  
9 that was that I didn't want him opining about how copyright  
10 laws are good or they are bad or, you know, they're the way  
11 that the music industry survives or not.

12 But I think if his testimony is going to be offered  
13 for the financial incentive on vicarious liability, then I did  
14 not intend to exclude that testimony. And I think that  
15 Sullivan is prepared to testify about all of that in Cox's  
16 case, and you can argue about whether it is or is not  
17 profitable to -- well, profitability generally or file shares  
18 use more bandwidth or costs of enforcing the notice  
19 requirements. I think that is fair game for Lehr's testimony.

20 So that's all I had. And anybody else got anything?  
21 So you understand the jury selection process?

22 Mr. Buckley.

23 MR. BUCKLEY: Sorry, one point on Dr. Lehr.  
24 Depending upon how far that economic incentive argument is  
25 allowed to go --